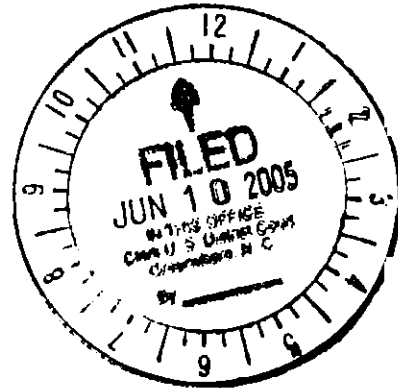


IN THE UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF NORTH CAROLINA

WALLACE MIKELL TOOLE, JR.,  
Petitioner,  
v.  
UNITED STATES OF AMERICA,  
Respondent.

1:04CV01053  
1:97CR20-1

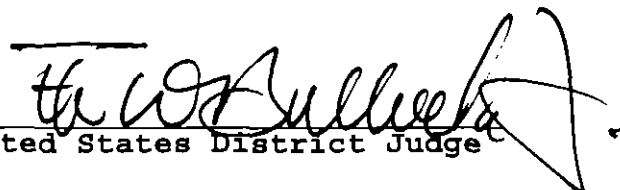


O R D E R

On November 10, 2004, the United States Magistrate Judge's Recommendation was filed and notice was served on the parties pursuant to 28 U.S.C. § 636. Petitioner filed objections within the time limit prescribed by Section 636.

The Court has reviewed petitioner's objections de novo and finds they do not change the substance of the United States Magistrate Judge's rulings which are affirmed and adopted.

**IT IS THEREFORE ORDERED** that this action is dismissed sua sponte for failure to obtain certification for this Section 2255 application by filing a Motion for Authorization in the court of appeals as required by 28 U.S.C. §§ 2255 and 2244 and Fourth Circuit Local Rule 22(d), and that finding no substantial issue for appeal concerning the denial of a constitutional right affecting the conviction, nor a debatable procedural ruling, a certificate of appealability is denied.

  
United States District Judge

June 10, 2005